

## Region 2 CWD Strategy to Review LCR Compliance & Implementation

**Background:** In 1991, EPA promulgated the Lead and Copper Rule (LCR), to protect public health by reducing lead and copper levels in drinking water. Lead in drinking water is primarily caused by corrosion of plumbing materials used for water distribution. LCR established an action level of 0.015 mg/L for lead and 1.3 mg/L for copper. If more than 10% of the tap water samples collected during any monitoring period exceed the action levels (AL) for lead and/or copper, it triggers follow up actions to be taken by the public water system (PWS), such as public education (PE), source water monitoring/treatment, water quality parameters (WQP) monitoring, corrosion control treatment and lead service line (LSL) replacement. Failure to comply with these follow up actions are considered treatment technique violations.

**Objective:** Provide an update on the status of CWD's work implementing the Region 2 LCR Strategy, corrective actions taken by states in response to identified deficiencies and next steps in the implementation of the LCR.

### Summary of CWD Strategy:

- File reviews are being conducted to ensure that States (NY and NJ) are implementing the LCR and determining compliance in accordance with federal regulations. In addition, discrepancies between the PWS data in the State files and data reported to SDWIS/FED are being evaluated.
- CWD will require states to submit corrective action plans to ensure that identified implementation issues are being addressed. CWD will track progress of the implementation of corrective actions through meetings and program reviews.
- CWD will identify systems with significant noncompliance issues and will refer to DECA for appropriate action.
- CWD will continue to review ALEs reported in SDWIS and follow up with the primacy agency to ensure that appropriate corrective action is taken.
- CWD will implement program reviews in 2017 to evaluate state implementation with all drinking water rules and follow up on LCR implementation progress.

### Status:

- Tribal Systems: File reviews completed April 29, 2016.
  - Findings
    - Monitoring violations: Failure to meet the required number of tap water samples and failure to collect lead and copper samples within the monitoring period.
  - Corrective Actions
    - CWD provided reminders via phone call and e-mail on February and April 2016 on the required number of tap water samples and monitoring timeframes.

- Next Steps
    - 2016 monitoring data will be evaluated to determine if systems have return to compliance (January 2017).
- **New Jersey:** File review (55 public water systems) completed the week of April 18, 2016. Final report issued September 22, 2016.
  - Findings
    - Missing documentation: Sampling sites tier identification, follow up actions in response to AL exceedances and PE certifications.
    - Significant number of violations are not being reported to SDWIS.
  - Corrective Actions:
    - NJDEP LCR Action Plan to be modified to incorporate implementation issues identified during the file review.
    - EPA requires corrective actions to be completed within 6 months.
  - Next steps:
    - November 8, 2016 letter to NJDEP Assistant Commissioner Dan Kennedy, providing an update on the LCR file review and informing of future meeting to discuss implementation of the Rule in NJ.
- **New York (Phase I):** File review (43 public water systems) conducted week of May 9, 2016 for the Westchester, Dutchess and Orange counties. CWD is expecting to issue final report in November 2016.
  - Preliminary Findings:
    - Documentation on follow up actions in response to lead and copper AL exceedances is missing in most files. Documentation has been submitted to EPA the week of November 7, 2016.
    - Significant number of violations are not being reported to SDWIS.
- **New York City PWS (Phase II):** File review conducted October 25-27, 2016. Data is being evaluated and CWD is expecting to issue final report in December 2016.
- **New York (Phase III):** Remaining counties. List of public water systems for file review is being evaluated by CWD and expected to be sent to NY State Department of Health the week of November 14, 2016. CWD is expecting to complete final report in February 2017.